

## **REMARKS**

In the Decision On Request To Participate In Patent Prosecution Highway Pilot Program And Petition To Make Special Under 37 1.102(d) dated January 5, 2009, Applicant's petition was dismissed for the following reasons:

1. Claim 21 does not include the limitation that the solution contacts the membrane side opposite to that contacted by the raw permeate, as required in corresponding claim 16 of the IPAU application; specifically, the word – side – is missing from the claim. Decision at 2.
2. Documentation of the prior office action was not submitted; specifically, a copy of the first official report from IP Australia was not provided. Decision at 2-3.

A copy of the Decision is attached for ease of reference.

### **1. PRELIMINARY AMENDMENT TO CLAIM 21**

In the Third Preliminary Amendment which accompanies this Response, Applicant has amended claim 21 at the last line to add the word "side" as follows:

"...the membrane on the side opposite to that contacted by the raw permeate."

As such, claim 21 now corresponds directly with allowed claim 16 of the related IPAU patent application.

### **2. AUSTRALIAN OFFICE ACTION**

Applicant herewith submits a copy of the first official report issued in the Australian application, issued just prior to the "Decision to Grant a Patent" dated July 13, 2007.

**CONCLUSION**

Prompt and favorable consideration of this response is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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